

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROGER R. SWANSON SR.,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

8:24CV396

MEMORANDUM AND ORDER

This matter is before the Court on correspondence filed by Petitioner Roger R. Swanson Sr. (“Petitioner”) on January 29, 2025, Filing No. 8, responding to this Court’s January 13, 2025, order requiring Petitioner to pay the \$5.00 filing fee or submit a motion to proceed in forma pauperis and to file an amended petition no later than February 12, 2025, Filing No. 7. In his letter Petitioner submits that he previously paid the \$5.00 filing fee. Filing No. 8. Petitioner also filed a copy of his trust account statement showing a \$5.00 payment to the “US District Court” on November 12, 2024. *See* Filing No. 9.

The Court has reviewed its records and confirmed that no payment from Petitioner has been received. Petitioner should take the appropriate action with his institution to verify the status of his payment, or alternatively he may file a motion to proceed in forma pauperis using the form provided. Further, Petitioner is reminded that along with payment of the filing fee, he was also ordered to file an amended petition to cure the deficiencies noted in this Court’s January 13 Memorandum and Order. *See* Filing No. 7.

To allow Petitioner time to resolve the filing fee issue, this Court on its own motion, grants Petitioner 30 days from the date of this Memorandum and

Order to pay the filing fee or file a motion to proceed in forma pauperis and to file an amended petition.

IT IS THEREFORE ORDERED that:

1. Petitioner is directed to submit the \$5.00 filing fee to the Clerk's office or submit a request to proceed in forma pauperis on or before **March 3, 2025**. Failure to take either action will result in dismissal of this matter without further notice.

2. Petitioner shall have until **March 3, 2025**, in which to file a second amended petition for writ of habeas corpus in accordance with this Court's January 13, 2025, Memorandum and Order at Filing No. 7.

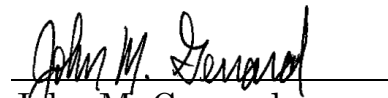
3. The Clerk of the Court is directed to resend to Petitioner the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

4. If Petitioner requires additional time to comply with this Memorandum and Order he must file a written motion with this Court seeking an extension prior to the expiration of the March 3, 2025, deadline.

5. The Clerk of the Court is directed to terminate the current February 12, 2025, deadline to check for MIFP or payment and for the Second Amended Petition and set a new pro se case management deadline with the following text: **March 3, 2025**: Check for MIFP or payment and for Second Amended Petition.

Dated this 31st day of January, 2025.

BY THE COURT:



John M. Gerrard
Senior U.S. District Court Judge